

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

REC'D 07 NOV 2005

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT04-043	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/KR2004/001608	International filing date (day/month/year) 01 JULY 2004 (01.07.2004)	Priority date (day/month/year) 02 JULY 2003 (02.07.2003)	
International Patent Classification (IPC) or national classification and IPC IPC7 A62B 18/02			
Applicant KIM, Yung Ho			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (sent to the applicant and to the International Bureau) a total of 15 sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I Basis of the report
<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI Certain documents cited
<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input type="checkbox"/>	Box No. VIII Certain observations on the international application

Date of submission of the demand 22 APRIL 2005 (22.04.2005)	Date of completion of this report 27 SEPTEMBER 2005 (27.09.2005)
Name and mailing address of the IPEA/KR Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea	Authorized officer LEE, HYUN SONG Telephone No. 82-42-481-8296
Facsimile No. 82-42-472-7140	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/001608

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages _____ received by this Authority on April 22, 2005
 pages* 1-10, 13 received by this Authority on _____

the claims:

pages _____ as originally filed/furnished
 pages* _____ as amended (together with any statement) under Article 19
 pages* 11-12 received by this Authority on April 22, 2005
 pages* _____ received by this Authority on _____

the drawings:

pages _____ as originally filed/furnished
 pages* 14-15 received by this Authority on April 22, 2005
 pages* _____ received by this Authority on _____

the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/001608

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-4	YES
	Claims	None	NO
Inventive step (IS)	Claims	None	YES
	Claims	1-4	NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims	None	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following document:

D1: KR 20-290424 (13 September 2002)

Claims 1 to 4 of the present application relate to an anion discharge and dustproof nose mask comprising: a support frame for an elastic mask filter; a wing part having a controllable pressure; a magnetic fastening means having an improved adhesive and fixation function; and a filter part of a receiving pocket containing a silver or tourmaline health assistant material.

D1 relates to a nose mask comprising an elastic wing part which is installed in a close contact with a nose; a filter part made of silver non-woven fabric and activated carbon fabric; and an auxiliary fastening part comprising a stopping part, a connection part, and a groove part.

1) Novelty and Inventive Step

The following are comparisons between the present application and D1:

Claims 1 to 4 are the same as D1 in the purpose and effect, that is, providing a mask applicable to various types of noses and having improved health functions, in the feature of the elastic wing part which comes in close contact with a nose, and in the technical means for applying a health material to the filter. However, claims 1 to 4 differ from D1 in that in the present invention the groove has a square shape, whereas in D1 the groove has a U shape. However, said difference results from a mere change in the groove shape which can be readily selected and applied by a person skilled in the art, and does not involve any technical difficulty.

Therefore, the subject matter of claims 1 and 4 is considered to lack an inventive step under PCT Article 33(3).

2) Industrial Applicability

The subject matter of claims 1 to 4 is considered to be industrially applicable, which meets the requirement of PCT Article 33(4).